

Docket No.: 990092

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
 :
Dan Vassilovski : **Confirmation No.: 4872**
 :
Serial No. 09/739,922 : **Group Art Unit: 2614**
 :
Filed: December 19, 2000 : **Examiner: Hashem, Lisa**

**For: APPARATUS AND METHOD TO DETERMINE DIALING PREFIXES
FOR CALL ORIGINATION FOR TELEPHONE NUMBER**

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Attn: BOARD OF PATENT APPEALS AND INTERFERENCES

APPELLANT'S BRIEF UNDER 37 C.F.R. § 41.37(c)

This brief is in furtherance of the Notice of Appeal, filed in this case on May 1, 2007.

The fees required under § 41.20 and any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

Only one copy of this brief is required under § 41.37.

This brief contains these items under the following headings, in the order set forth below
(37 C.F.R. § 41.37(c)):

- I. Real Party in Interest.
- II. Related Appeals and Interferences.
- III. Status of Claims.
- IV. Status of Amendments.
- V. Summary of Claimed Subject Matter.
- VI. Grounds of Rejection to be Reviewed on Appeal.
- VII. Argument.
- VIII. Claims Appendix.
- IX. Evidence Appendix.
- X. Related Proceedings Appendix.

The final page of this brief bears the attorney's signature.

I. REAL PARTY IN INTEREST

The real party in interest in this appeal is QUALCOMM Incorporated of 5775 Morehouse Drive, San Diego, CA 92121.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are a total of 50 claims in the application, which are identified as claims 1-41 and 43-51.

B. Status of all the claims

1. Claims cancelled: claims 42 and 52-55.
2. Claims withdrawn from consideration but not cancelled: none.
3. Claims pending: claims 1-41 and 43-51.
4. Claims allowed: none.
5. Claims rejected: claims 1-41 and 43-51.

C. Claims on Appeal

Claims on appeal are claims 1-41 and 43-51 as rejected by the Final Office Action dated November 2, 2006.

IV. STATUS OF AMENDMENTS

Appellant proposed numerous claim amendments in an after-final Amendment dated April 2, 2007. The Amendment was denied entry and consideration by the Examiner in the Advisory Action mailed April 23, 2007.

The claims on appeal are the claims as presented in the last entered Amendment dated July 26, 2006 and finally rejected by the Final Office Action of November 2, 2006.

V. SUMMARY OF CLAIMED SUBJECT MATTER

For the purpose of this appeal brief only, the claimed subject matter will be explained herein below with references to the specification by page and line number, and to the drawings by reference characters.

The invention of **claim 1** is directed to, in a communication device (104, 116 in Fig. 1) operable in at least two states, a method of transitioning a call from a first state to a second state (108/112, and 120/124 in Fig. 1), each state having an associated number (page 4, lines 20-23), each number having a prefix portion and a suffix portion (page 4, line 25), the call being associated with at least one called device (116 in Fig. 1) and a calling device (104 in Fig. 1), the method comprising:

requesting a change of state (page 5, lines 15-16);

sending at least the suffix portion of the number corresponding to the second state to the calling device (page 5, lines 17-18);

comparing the number corresponding to the first state with the number corresponding to the second state (page 5, lines 21-23);

appending the prefix portion of the number corresponding to the first state with the suffix portion of the number corresponding to the second state (page 5, lines 26-28); and

establishing a new connection between the called device and the calling device using the number corresponding to the second state, wherein the new connection is established for transitioning the call from the first state to the second state (page 5, lines 30-32).

The invention of **claim 11** is directed to, in a communication device (104, 116 in Fig. 1) operable in at least two states, a method (Fig. 2) of transitioning a call from a first state to a second state (108/112, and 120/124 in Fig. 1), each state having an associated number (page 4, lines 20-23), each number having a prefix portion and a suffix portion (page 4, line 25), the call being associated with at least one called device (116 in Fig. 1) and a calling device (104 in Fig. 1), the method comprising:

receiving (208 in Fig. 2) a request for a change of state (page 6, line 1);

receiving at least the suffix portion of the number corresponding to the second state from the called device (212 in Fig. 2, page 6, lines 2-3);

comparing the number corresponding to the first state with the number corresponding to the second state (216 in Fig. 2, page 6, lines 4-5);

appending the prefix portion of the number corresponding to the first state with the suffix portion of the number corresponding to the second state (220 in Fig. 2, page 6, lines 5-7); and

establishing a new connection between the called device and the calling device using the number corresponding to the second state, wherein the new connection is established for transitioning the call from the first state to the second state (224 in Fig. 2, page 6, lines 8-9).

The invention of **claim 21** is directed to, in a communication device (104, 116 in Fig. 1) operable in at least two states, a method (Fig. 3) of transitioning between a call from a first state to a second state (108/112, and 120/124 in Fig. 1), each state having an associated number (page 4, lines 20-23), each number having a prefix portion and a suffix portion (page 4, line 25), the call being associated with at least one called device (116 in Fig. 1) and a calling device (104 in Fig. 1), the method comprising:

requesting (308 in Fig. 3) a change of state (page 6, lines 23-24);

sending at least the suffix portion of the number corresponding to the second state to the calling device (312 in Fig. 3, page 6, line 25); and

receiving a request to establish a new connection from the calling device using a number generated by appending the prefix portion of the number corresponding to the first state with the suffix portion of the number corresponding to the second state, wherein the new connection is established for transitioning the call from the first state to the second state (316 in Fig. 3, page 6, lines 26-28).

The invention of **claim 31** is directed to, in a communication device (404, 408, 412, 416 in Fig. 4) operable in at least two states, a method (Fig. 6) of transitioning between a call from a first state to a second state (420/424, 428/432, 436/440 and 444/448 in Fig. 4), each state having an associated number (page 4, lines 20-23), each number having a prefix portion and a suffix portion (page 4, line 25), the call being associated with at least one called device (408, 412, 416 in Fig. 4) and a calling device (404 in Fig. 4), the method comprising:

receiving (604 in Fig. 6) a request for a change of state (page 8, lines 9-10);

sending at least the suffix portion of the number corresponding to the second state to the calling device (608 in Fig. 6, page 8, line 11); and

receiving a request to establish a new connection from the calling device using a number generated by appending the prefix portion of the number corresponding to the first state with the suffix portion of the number corresponding to the second state, wherein the new connection is established for transitioning the call from the first state to the second state (612 in Fig. 6, page 8, lines 12-14).

The invention of **claim 41** is directed to, an apparatus (104, 116 in Fig. 1) configured to transition between a first state and a second state (108/112, and 120/124 in Fig. 1) during a call, each state having an associated number (page 4, lines 20-23), each number having a prefix portion and a suffix portion (page 4, line 25), the call being associated with at least one called device (116 in Fig. 1) and a calling device (104 in Fig. 1), the apparatus comprising:

a receiver (142 in Fig. 1) configured to receive a request of a change of state, wherein the receiver is further configured to receive the number corresponding to the second state from the called device (page 5, lines 16-17 and 20-21);

a comparer (144 in Fig. 1) configured to compare the number corresponding to the first state with the number corresponding to the second state (page 5, lines 21-23);

a grouper (148 in Fig. 1) coupled to the comparer configured to append the prefix portion of the number corresponding to the first state with the suffix portion of the number corresponding to the second state (page 5, lines 27-28); and

an establisher (152 in Fig. 1) configured to establish a new connection using the number corresponding to the second state, wherein the new connection is established for transitioning the call from the first state to the second state (page 5, line 32).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The only ground of rejection to be reviewed is whether the Examiner is correct in the 35 U.S.C. 103(a) rejection of claims 1-41 and 43-51 as being obvious over *McIntosh* (U.S. Patent No. 6,169,799) in view of *Bednarz* (U.S. Patent No. 4,490,583).

VII. ARGUMENT

35 U.S.C. 103(a) rejection of claims 1-41 and 43-51 as being unpatentable over McIntosh in view of Bednarz

Appellant respectfully traverses this rejection because a *prima facie* case of obviousness has not been properly established by the Examiner for the following reasons.

1. Both the case law of the Federal Circuit and the PTO itself have made clear that where a modification must be made to the prior art to reject or invalidate a claim under §103,

there must be a showing of proper motivation or suggestion in the prior art to do so.¹ The PTO can satisfy this burden only by showing some objective teaching in the prior art, or that knowledge generally available to one of ordinary skill in the art, would lead that individual to combine the relevant teachings of the references.² Further, it is well settled that the mere fact that the prior art could be modified does not make the modification obvious unless the prior art has suggested the desirability of the modification.³

With respect to all independent claims, namely claims 1, 11, 21, 31 and 41, the Examiner alleged that

When the calling party calls the called party on the first line of the called party's communication device, the called party can verbally inform the calling party of the calling device of a second line of the called party's communication device... The calling party can call the second line by placing the first line on hold and then conference in both the first line and the second line.⁴

Appellant respectfully submits that the Examiner's alleged fact that the prior art can be modified in a manner allegedly readable on the claimed invention, does not make the modification obvious unless the prior art has suggested the desirability of the modification. It is apparent from the language of the November 2, 2006 Final Office Action⁵ that the Examiner has failed to show that the prior art has suggested the desirability of the modification. In fact, the *Bednarz* reference, as applied by the Examiner, does not supply any desirability of establishing multiple connections between the same pair of a called party and a calling party, in the manner suggested by the Examiner. *Bednarz* only suggest the desirability of making conference calls between a single called/calling party and multiple calling/called parties.⁶ No connection between

¹ See, *Pfizer v. Apotex*, Docket No 06-1261, (Fed. Cir. 2007); *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984) (prior art could not be turned upside down without motivation to do so); *In re Rouffet*, 149 F.3d 1350 (Fed. Cir. 1998); *In re Dembiczak*, 175 F.3d 994 (Fed. Cir. 1999); *In re Lee*, 277 F.3d 1338 (Fed. Cir. 2002).

² *Id.*

³ *In re Gordon* (emphasis added).

⁴ See, for example, the November 2, 2006 Final Office Action at page 3, lines 8-12, the paragraphs bridging pages 7-8, 10-11 and 13-14 (emphasis added).

⁵ *Id.*

⁶ See, for example, *Bernarz* at column 10 lines 30-39.

the single called/calling party and any one of the multiple calling/called parties is disclosed or suggested by *Bednarz* to be desirably made on multiple lines. Therefore, Appellant respectfully submits that it would not have been obvious to modify the *Bednarz* method as suggested by the Examiner to arrive at the claimed invention.

2. To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure.⁷

2.1. With respect to independent claims, namely claims 1, 11, 21, and 31, the art, as applied by the Examiner, fails to teach or suggest “[i]n a communication device operable in at least two states, a method of transitioning between a call from a first state to a second state.” Although the feature is recited in the preambles of the rejected claims,⁸ it should be given patentable weight as the feature gives life, meaning, and vitality to the claim and clearly limits the claimed method to be performed in a communication device.⁹

According to the Examiner, the prior art references, when combined, would still need user intervention to “verbally inform the calling party of the calling device of a second line of the

⁷ See MPEP, section 2143 quoting *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

⁸ See, for example, line 1 of each of claims 1, 11, 21 and 31.

⁹ “[A] claim preamble has the import that the claim as a whole suggests for it.” *Bell Communications Research, Inc. v. Vitalink Communications Corp.*, 55 F.3d 615, 620, 34 USPQ2d 1816, 1820 (Fed. Cir. 1995). “If the claim preamble, when read in the context of the entire claim, recites limitations of the claim, or, if the claim preamble is ‘necessary to give life, meaning, and vitality’ to the claim, then the claim preamble should be construed as if in the balance of the claim.” *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165-66 (Fed. Cir. 1999). See, also *Jansen v. Rexall Sundown, Inc.*, 342 F.3d 1329, 1333, 68 USPQ2d 1154, 1158 (Fed. Cir. 2003) (In considering the effect of the preamble in a claim directed to a method of treating or preventing pernicious anemia in humans by administering a certain vitamin preparation to “a human in need thereof,” the court held that the claims’ recitation of a patient or a human “in need” gives life and meaning to the preamble’s statement of purpose.).

called party's communication device..."¹⁰ At least the above-highlighted step, i.e., "verbally inform," in the Examiner's combined method would be necessarily performed by the user, i.e., not in a communication device as presently claimed. Therefore, Appellant respectfully submits that even if the references could be properly combined in the manner suggested by the Examiner, which Appellant contends to the contrary, the combined method would still lack the feature recited in the preambles of the rejected claims.

2.2. As to independent claim 41, the art, as applied by the Examiner, fails to teach or suggest "[a]n apparatus configured to transition between a first state and a second state during a call,... the apparatus comprising: a receiver configured to receive a request of a change of state, wherein the receiver is further configured to receive the number corresponding to the second state from the called device."¹¹

According to the Examiner, the *McIntosh* discloses in Fig. 1 a telephone which is allegedly readable on the claimed apparatus. The Examiner further argued that the reference's disclosure of dialing/entering the 7 digit telephone number by the caller is readable on the claimed receiver.¹² Appellant respectfully disagrees, because the Examiner's "receiver" is actually the caller who, in the Examiner's hypothetical method, receives a request of a change of state and an alternative number, if any, from the called party. A person of ordinary skill in the art would understand that the caller is not part of any apparatus disclosed by *McIntosh* and thus cannot be readable on the claimed receiver which is part of the claimed apparatus. Therefore, Appellant respectfully submits that even if the references could be properly combined in the manner suggested by the Examiner, which Appellant contends to the contrary, the combined apparatus would not include any caller and would still lack the "receiver" feature of the rejected claim.

For any of the reasons presented at points 1 and 2 above, Appellant respectfully submits that the final rejections of all pending claims are erroneous and should be withdrawn.

¹⁰ See, for example, the November 2, 2006 Final Office Action at page 3, lines 8-12, the paragraphs bridging pages 7-8, 10-11 and 13-14 (emphasis added).

¹¹ See, for example, claim 41 at lines 2-7.

¹² See, for example, the November 2, 2006 Final Office Action at page 14, lines 5 and 13-15.

Claim 5, 15, 25, 35 and 46

As to claim 5, Appellant respectfully submits that the art as applied by the Examiner fails to teach or suggest “a method of transitioning a call from a first state to a second state”¹³ “wherein the first state is a clear state and the second state is a secure state.”¹⁴ In other words, claim 5 is directed to a method of transitioning a call from a **clear** state to a **secure** state.

Appellant respectfully submits that the Examiner’s position that *McIntosh* discloses the recited clear state and secure state is erroneous. For example, the Examiner states that

McIntosh further discloses the first state is a clear state (e.g. no match of number in memory) and the second state is a secure state (e.g. match of number in memory) (col. 3, line 45 – col. 4, line 46)...[and that] McIntosh further discloses the first state is a secure state (e.g. match of number in memory) and the second state is a clear state (e.g. no match of number in memory) (col. 3, line 45 – col. 4, line 46).¹⁵

The disclosure by *McIntosh* of a called number matching or not matching a number stored in memory does not having anything to do with transitioning a call between a clear state and a secure state. Further, *McIntosh* does not address or even suggest the use of a clear state and a secure state.

Additionally, *Bednarz* does not cure this deficiency of *McIntosh*, as *Bednarz* also fails to address or suggest the use of a clear state and a secure state.

Accordingly, Appellant respectfully submits claim 5, as well as claims 15, 25, 35 and 46, which include similar limitations, are separately patentable and do not stand or fall together with the other claims.

Claims 6, 16, 26, 36 and 47

As to claim 6, Appellant respectfully submits that the art as applied by the Examiner fails to teach or suggest “a method of transitioning a call from a first state to a second state”¹⁶ “wherein the

¹³ See, claim 1, lines 1-2.

¹⁴ See, claim 5.

¹⁵ See, for example, the November 2, 2006 Final Office Action at page 5, lines 14-19.

¹⁶ See, claim 1, lines 1-2.

first state is a secure state and the second state is a clear state.”¹⁷ In other words, claim 6 is directed to a method of transitioning a call from a **secure** state to a **clear** state.

Appellant respectfully submits that the Examiner’s position that *McIntosh* discloses the recited clear state and secure state is erroneous for at least the reason presented above with respect to claim 5.

Accordingly, Appellant respectfully submits claim 6, as well as claims 16, 26, 36 and 47, which include similar limitations, are separately patentable and do not stand or fall together with the other claims.

Claims 7, 17, 27, 37, and 48

As to claim 7, Appellant respectfully submits that the art as applied by the Examiner fails to teach or suggest “a method of transitioning a call from a first state to a second state”¹⁸ “wherein the first state is a voice state and the second state is a data state.”¹⁹ In other words, claim 7 is directed to a method of transitioning a call from a **voice** state to a **data** state.

Appellant respectfully submits that the Examiner’s position that *McIntosh* discloses the recited voice state and data state is erroneous. For example, the Examiner’s reading of the *McIntosh* dialing a 7 digit phone number²⁰ on the claimed data state is inappropriate, because the call established by dialing a 7 digit phone number is still a voice call (if the call goes through) like the first state.

Additionally, *Bednarz* does not cure this deficiency of *McIntosh*, as *Bednarz* also fails to address or suggest the use of a voice state and a data state.

Accordingly, Appellant respectfully submits claim 7, as well as claims 17, 27, 37 and 48, which include similar limitations, are separately patentable and do not stand or fall together with the other claims.

¹⁷ See, claim 6.

¹⁸ See, claim 1, lines 1-2.

¹⁹ See, claim 7.

²⁰ See, for example, the November 2, 2006 Final Office Action at page 6, line 1.

Claims 8, 18, 28, 38 and 49

As to claim 8, Appellant respectfully submits that the art as applied by the Examiner fails to teach or suggest “a method of transitioning a call from a first state to a second state”²¹ “wherein the first state is a data state and the second state is a voice state.”²² In other words, claim 8 is directed to a method of transitioning a call from a **data** state to a **voice** state.

Appellant respectfully submits that the Examiner’s position that *McIntosh* discloses the recited voice/data states is erroneous for at least the reason presented above with respect to claim 7.

Accordingly, Appellant respectfully submits claim 8, as well as claims 18, 28, 38 and 49, which include similar limitations, are separately patentable and do not stand or fall together with the other claims.

Claim 41

Claim 41 is separately patentable and does not stand or fall together with the other claims for at least the reason presented at point 2.2 above.

Thus, for the extensive reasons discussed above, Appellant respectfully requests that the rejection under 35 U.S.C. 103(a), as to claims 1-41 and 43-51, be withdrawn.

²¹ See, claim 1, lines 1-2.

²² See, claim 8.

Conclusion

Each of the Examiner's rejections has been traversed. Accordingly, Applicant respectfully submits that all claims on appeal are considered allowable. Accordingly, reversal of the Examiner's Final Rejection is believed appropriate and courteously solicited.

If for any reason this Appeal Brief is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned, Applicant's attorney of record.

Respectfully submitted,

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VIII. CLAIMS APPENDIX

1. In a communication device operable in at least two states, a method of transitioning a call from a first state to a second state, each state having an associated number, each number having a prefix portion and a suffix portion, the call being associated with at least one called device and a calling device, the method comprising:

requesting a change of state;

sending at least the suffix portion of the number corresponding to the second state to the calling device;

comparing the number corresponding to the first state with the number corresponding to the second state;

appending the prefix portion of the number corresponding to the first state with the suffix portion of the number corresponding to the second state; and

establishing a new connection between the called device and the calling device using the number corresponding to the second state, wherein the new connection is established for transitioning the call from the first state to the second state.

2. The method as set forth in Claim 1, further comprising storing the number corresponding to the first state in memory associated with the called device.
3. The method as set forth in Claim 1, further comprising establishing a call in the first state prior to requesting a change of state.
4. The method as set forth in Claim 1, wherein the prefix portion comprises regional codes and the suffix portion comprises the telephone number.
5. The method as set forth in Claim 1, wherein the first state is a clear state and the second state is a secure state.
6. The method as set forth in Claim 1, wherein the first state is a secure state and the second state is a clear state.
7. The method as set forth in Claim 1, wherein the first state is a voice state and the second state is a data state.
8. The method as set forth in Claim 1, wherein the first state is a data state and the second state is a voice state.
9. The method as set forth in Claim 1, wherein the first state is a first phone number and the second state is a second phone number.
10. The method as set forth in Claim 1, wherein the calling device and the at least one called device are on a wireless call.
11. In a communication device operable in at least two states, a method of transitioning a call from a first state to a second state, each state having an associated number, each number

having a prefix portion and a suffix portion, the call being associated with at least one called device and a calling device, the method comprising:

receiving a request for a change of state;

receiving at least the suffix portion of the number corresponding to the second state from the called device;

comparing the number corresponding to the first state with the number corresponding to the second state;

appending the prefix portion of the number corresponding to the first state with the suffix portion of the number corresponding to the second state; and

establishing a new connection between the called device and the calling device using the number corresponding to the second state, wherein the new connection is established for transitioning the call from the first state to the second state.

12. The method as set forth in Claim 11, further comprising storing the number corresponding to the first state in memory associated with the called device.

13. The method as set forth in Claim 11, further comprising establishing a call in the first state prior to receiving a request for a change of state.

14. The method as set forth in Claim 11, wherein the prefix portion comprises regional codes and the suffix portion comprises the telephone number.

15. The method as set forth in Claim 11, wherein the first state is a clear state and the second state is a secure state.

16. The method as set forth in Claim 11, wherein the first state is a secure state and the second state is a clear state.

17. The method as set forth in Claim 11, wherein the first state is a voice state and the second state is a data state.

18. The method as set forth in Claim 11, wherein the first state is a data state and the second state is a voice state.

19. The method as set forth in Claim 11, wherein the first state is a first phone number and the second state is a second phone number.

20. The method as set forth in Claim 11, wherein the calling device and the at least one called device are on a wireless call.

21. In a communication device operable in at least two states, a method of transitioning between a call from a first state to a second state, each state having an associated number, each number having a prefix portion and a suffix portion, the call being associated with at least one called device and a calling device, the method comprising:

requesting a change of state;

sending at least the suffix portion of the number corresponding to the second state to the calling device; and

receiving a request to establish a new connection from the calling device using a number generated by appending the prefix portion of the number corresponding to the first state with the suffix portion of the number corresponding to the second state, wherein the new connection is established for transitioning the call from the first state to the second state.

22. The method as set forth in Claim 21, further comprising storing the number corresponding to the first state in memory associated with the called device.

23. The method as set forth in Claim 21, further comprising establishing a call in the first state prior to requesting a change of state.

24. The method as set forth in Claim 21, wherein the prefix portion comprises regional codes and the suffix portion comprises the telephone number.

25. The method as set forth in Claim 21, wherein the first state is a clear state and the second state is a secure state.

26. The method as set forth in Claim 21, wherein the first state is a secure state and the second state is a clear state.

27. The method as set forth in Claim 21, wherein the first state is a voice state and the second state is a data state.

28. The method as set forth in Claim 21, wherein the first state is a data state and the second state is a voice state.

29. The method as set forth in Claim 21, wherein the first state is a first phone number and the second state is a second phone number.

30. The method as set forth in Claim 21, wherein the calling device and the at least one called device are on a wireless call.

31. In a communication device operable in at least two states, a method of transitioning between a call from a first state to a second state, each state having an associated number, each number having a prefix portion and a suffix portion, the call being associated with at least one called device and a calling device, the method comprising:
receiving a request for a change of state;

sending at least the suffix portion of the number corresponding to the second state to the calling device; and

receiving a request to establish a new connection from the calling device using a number generated by appending the prefix portion of the number corresponding to the first state with the suffix portion of the number corresponding to the second state, wherein the new connection is established for transitioning the call from the first state to the second state.

32. The method as set forth in Claim 31, further comprising storing the number corresponding to the first state in memory associated with the called device.

33. The method as set forth in Claim 31, further comprising establishing a call in the first state prior to receiving a request for a change of state.

34. The method as set forth in Claim 31, wherein the prefix portion comprises regional codes and the suffix portion comprises the telephone number.

35. The method as set forth in Claim 31, wherein the first state is a clear state and the second state is a secure state.

36. The method as set forth in Claim 31, wherein the first state is a secure state and the second state is a clear state.

37. The method as set forth in Claim 31, wherein the first state is a voice state and the second state is a data state.

38. The method as set forth in Claim 31, wherein the first state is a data state and the second state is a voice state.

39. The method as set forth in Claim 31, wherein the first state is a first phone number and the second state is a second phone number.

40. The method as set forth in Claim 31, wherein the calling device and the at least one called device are on a wireless call.

41. An apparatus configured to transition between a first state and a second state during a call, each state having an associated number, each number having a prefix portion and a suffix portion, the call being associated with at least one called device and a calling device, the apparatus comprising:

a receiver configured to receive a request of a change of state, wherein the receiver is further configured to receive the number corresponding to the second state from the called device;

a comparer configured to compare the number corresponding to the first state with the number corresponding to the second state;

a grouper coupled to the comparer configured to append the prefix portion of the number corresponding to the first state with the suffix portion of the number corresponding to the second state; and

an establisher configured to establish a new connection using the number corresponding to the second state, wherein the new connection is established for transitioning the call from the first state to the second state.

43. The apparatus set forth in Claim 41, further comprising a storage device configured to store the number corresponding to the first state in memory associated with the called device.

44. The apparatus as set forth in Claim 41, wherein the establisher is configured to establish a call in the first state prior a change of state.

45. The apparatus as set forth in Claim 41, wherein the prefix portion comprises regional codes and the suffix portion comprises the telephone number.

46. The apparatus as set forth in Claim 41, wherein the first state is a clear state and the second state is a secure state.

47. The apparatus as set forth in Claim 41, wherein the first state is a secure state and the second state is a clear state.

48. The apparatus as set forth in Claim 41, wherein the first state is a voice state and the second state is a data state.

49. The apparatus as set forth in Claim 41, wherein the first state is a data state and the second state is a voice state.

50. The apparatus as set forth in Claim 41, wherein the first state is a first phone number and the second state is a second phone number.

51. The apparatus as set forth in Claim 41, wherein the calling device and the at least one called device are on a wireless call.

IX. EVIDENCE APPENDIX

None

X. RELATED PROCEEDINGS APPENDIX

None